

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-9 are pending, Claims 1 and 8 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1, 3, 5 and 9 were objected to; Claims 1, 2, and 6-8 were rejected as being anticipated by Inoue (U.S. Patent No. 6,590,858); Claims 5 and 9 were rejected as being unpatentable over Inoue; and Claims 3 and 4 were indicated as containing allowable subject matter.

Applicants appreciatively acknowledge the identification of allowable subject matter.

In reply to the objection to Claims 1 and 8, the present amendment adopts the suggestions by the Examiner and the claims have been amended accordingly.

With regard to Claims 3, 5, and 9, it is respectfully submitted that these claims comply with 35 U.S.C. § 112, second paragraph, now that Claim 1 has been changed to refer to a --locking member--.

Claim 1 includes a disk cartridge, that among other things, includes a locking member including (1) a shaft portion, (2) a locking portion, and (3) an unlocking portion. Support for such a locking member is found throughout the specification, for example element 72 in Figure 19. Thus no new matter is added.

The basis of the rejection of Claim 1 is that Inoue discloses the claimed locking mechanism (now locking member), and the outstanding Office Action asserts that the locking mechanism is element 32 in Inoue (see e.g., Figure 15). The Office Action relies on the same structure (element 32) to be the locking portion. Furthermore the Office Action relies on a separate member, namely concavity 44a as being the claimed “unlocking portion”.

Applicants respectfully traverse the rejection.

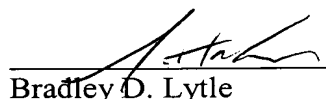
Claim 1 defines a locking member that includes a shaft, a locking portion, and an unlocking portion. However the structure in Inoue, relies on separate members that do not correspond with the claimed structural features of the locking member. Moreover, the locking member is a single member, while the Office Action relies on the locking mechanism (32) to be the same structure as the locking portion (32), and a separate structure to be the unlocking portion (44a). Assuming *arguendo* that Inoue used these different parts to perform a similar function, nevertheless Inoue does not teach or suggest a single locking member that includes a shaft, a locking portion, and an unlocking portion as claimed. Therefore, it is respectfully submitted that independent Claim 1 patentably defines over Inoue.

Each of Claims 2 and 6-8, as well as dependent Claims 5-9 depend from Claim 1 and therefore it is respectfully submitted that these claims also patentably define over Inoue because Inoue does not disclose all of the elements in Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-9, as amended, is definite and patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Scott A. McKeown
Registration No. 42,866